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Oct. 27

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SEP 03 1998

CONCORD, N.H.

Mr. William H. Riley
General Lawyer of Labor
177 Main Street
Concord, New Hampshire

Dear Sir:

This is to acknowledge your letter of October 13, 1958 in which you ask whether workmen's compensation insurance covers a school superintendent who receives his salary from three separate school districts. You have also asked how a school superintendent can be included under the law.

It is the opinion of this office that school superintendents may not be included under workmen's compensation purchased by school districts. This opinion is based on the fact that superintendents are state employees, in that (1) superintendents are nominated by the supervisory unions (R.L., c. 216, s. 45) but employed by the state board of education, (IWS, 1958, c. 213, s. 3); (2) that superintendents are members of the state employee retirement system, (R.L., c. 27-a.); (3) that superintendents are paid directly by the state, and (4) that superintendents are under the supervision and control of the state board of education.

Once we have established that superintendents are state employees there seems to be no way that they can be covered by the insurance carried by the separate school districts. They are not employees of the district such as are contemplated by R.L., c. 216, s. 6.

In view of the above, your other questions require no answer.

Very truly yours,

Arthur E. Bean, Jr.
Assistant Attorney General

JMB, Cr/B